

MT LEGISLATIVE HISTORY

Chapter 49 1979

Bill (H) 42 S _____

Original bill & hist. ____C

H. Committee on Labor & Employment

S. Committee on Labor & Employment Relations

Hearing Date(s) Jan 16 ☒ C

Hearing Date(s) Feb 06 ☒ C

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_____ C

Date Out _____ C

Feb 06 ☒ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB #31	1/24/79	2/1/79	2/1/79				2/1/79		
HB #32	1/19/79	1/30/79	2/1/79					2/1/79	
HB #42	1/24/79	2/6/79	2/6/79				2/6/79		
HB #62	1/24/79	2/6/79	2/6/79				2/6/79		
HB #129	2/17/79	3/6/79	3/6/79						3/6/79
HB #146	1/26/79	2/8/79	2/8/79				2/8/79		
HB #147	1/27/79	2/8/79	2/8/79						TABLED
HB #159	1/27/79	2/13/79	2/22/79				2/22/79		
HB #183	1/26/79	2/8/79	2/8/79				2/8/79		
HB #190	2/20/79	3/15/79	3/20/79					3/20/79	
HB #212	2/13/79	3/3/79	3/3/79					3/3/79	
HB #214	2/8/79	3/1/79	3/1/79					3/1/79	
HB #302	2/15/79	3/6/79	3/8/79					3/8/79	
HB #306	2/8/79	3/1/79	3/1/79				3/1/79		
HB #331	2/13/79	3/1/79	3/1/79				3/1/79		
HB #349	2/20/79	3/6/79	3/8/79					3/8/79	

se a separate sheet for Senate, House Bills, and solutions.

1 House BILL NO. 92
 2 INTRODUCED BY H. R. [Signature]
 3 BY REQUEST OF THE DEPARTMENT
 4 OF SOCIAL AND REHABILITATION SERVICES

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
 7 LAWS RELATING TO THE ISSUANCE OF DUPLICATE BONDS, WARRANTS,
 8 AND COUPONS; AMENDING SECTIONS 7-7-2104 AND 7-7-2106, MCA;
 9 AND REPEALING SECTION 7-7-2105, MCA."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 7-7-2104, MCA, is amended to read:

13 "7-7-2104. Replacement of lost bond, warrant, or
 14 coupon. (1) The board ~~is authorized upon satisfactory proof~~
 15 ~~that any original bond, warrant, or coupon has been lost or~~
 16 ~~destroyed to may issue to the owner or holder of such bond,~~
 17 ~~warrant, or coupon a duplicate thereof, which a duplicate~~
 18 ~~warrant, bond, or coupon whenever any warrant, bond, or~~
 19 ~~coupon drawn by it upon the treasury of the county is lost~~
 20 ~~or destroyed. The duplicate warrant, bond, or coupon must~~
 21 ~~be in the same form as the original and will take the place~~
 22 ~~in order of registration and payment of such and supersede~~
 23 ~~the original bond, warrant, or coupon--and--in--all--cases~~
 24 ~~supersede and take the place of such original. It must have~~
 25 ~~the word "duplicate" plainly printed across its face.~~

1 (2) ~~(a) The chairman of the board at the time of~~
 2 ~~issuing any duplicate bond, warrant, or coupon, must write~~
 3 ~~across or upon the face thereof the word "duplicate" in red~~
 4 ~~ink.~~

5 ~~(b) The word "duplicate" upon any bond, warrant, or~~
 6 ~~coupon imports notice to all persons that the same is issued~~
 7 ~~subject to the provisions of 7-7-2104 through 7-7-2106. No~~
 8 ~~duplicate warrant, bond, or coupon may be issued under this~~
 9 ~~section unless the person entitled to receive the duplicate~~
 10 ~~deposits with the county treasurer a bond in double the~~
 11 ~~amount for which the duplicate warrant, bond, or coupon is~~
 12 ~~issued, conditioned to save the county and its officers~~
 13 ~~harmless from all loss, costs, or damages by reason of~~
 14 ~~issuing the duplicate.~~

15 (3) No bond of indemnity is required:

16 (a) when a payee is the state of Montana or any
 17 agency, instrumentality, or officer of the state;

18 (b) when the owner or custodian is the state or any
 19 agency or officer thereof;

20 (c) when the owner or custodian is a bank, savings and
 21 loan associations, admitted insurer, or trust company whose
 22 financial condition is regulated by the state;

23 (d) when it can be established that a crime has been
 24 committed and that as a result of such crime a county
 25 warrant, bond, or coupon has been stolen or destroyed; or

1 (e) when it can be established that a county warrant,
 2 bond, or coupon has been mailed to an incorrect payee.

3 (4) If the owner or custodian applies under the
 4 provisions of subsection (3)(d) or (3)(e), a stop-payment
 5 order shall be placed on the original warrant, bond, or
 6 coupon by the county treasurer.

7 (5) If the owner or custodian applies under the
 8 provisions of subsection (3)(c), (3)(d), or (3)(e), the
 9 application shall include an agreement to indemnify and hold
 10 the county or its officers and employees harmless from any
 11 loss resulting from the issuance of a duplicate warrant,
 12 bond, or coupon. Any loss incurred in connection with the
 13 issuance of a duplicate warrant shall be charged against the
 14 account from which the payment was derived."

15 Section 2. Section 7-7-2106, MCA, is amended to read:

16 "7-7-2106. Procedure if original bond, warrant, or
 17 coupon is presented. It is the duty of the county treasurer,
 18 upon the production to him of any original bond, warrant, or
 19 coupon by the lawful owner or holder thereof, to assign by
 20 endorsement and to deliver to him the surety bond mentioned
 21 in ~~7-7-2105~~ 7-7-2104. Such owner or holder may maintain an
 22 action in his own name upon such surety bond for the
 23 recovery of any money paid upon such duplicate, but the
 24 delivery of such surety bond does not relieve or exonerate
 25 the county from the payment of the amount specified therein

1 upon a demand and refusal of the sureties named in the
 2 indemnifying surety bond to pay the same."

3 Section 3. Repealer. Section 7-7-2105, MCA, is
 4 repealed.

-End-

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

February 6, 1979

The meeting of the Labor and Employment Relations Committee was called to order by Vice-Chairman Nelson on February 6, 1979, in Room 404 of the State Capitol at 12:30 p.m. Chairman Lowe was required to testify at another committee meeting.

ROLL CALL: All members were present with the exception of Senator Palmer who was absent. Senator Lowe arrived late after testifying at another committee meeting.

Vice-Chairman Nelson asked that Senate Bill #266 be heard first in Committee. Senator Van Valkenburg addressed the Committee in the absence of Senator Palmer who is the sponsor of this bill. Senator Van Valkenburg explained that Senate Bill #266 was written to exclude musical booking services from the Employment Agency Act. Senator Van Valkenburg then introduced Mr. Doug Brown representing the Good Music Agency in Missoula who stated that musical agencies were totally different than private employment agencies in that they were regulated by the American Federation of Musicians who set their fees and provided licenses. Mr. Brown explained that their agencies were paid by musical groups themselves and not by the employers.

Mr. Dick Kane, Administrator of the Labor Standards Division, Department of Labor and Industry, spoke as a proponent of Senate Bill #266. Mr. Kane testified that as the Administrator of the Employment Agency Act that it was felt that the musical booking services was not compatible with that Act and urged the Committee to pass this bill.

Since there were no opponents to this bill, Senator Nelson closed the hearing.

Vice-Chairman Nelson then opened the hearing on House Bill #42. Mr. Jim Lear, Staff Attorney for the Legislative Counsel presented this bill to the Committee at the request of the Code Commissioner. Mr. Lear's comments on the changes in this bill are attached as Exhibit "A".

There being no opponents to this bill, the hearing was closed. The Vice-Chairman then asked Mr. Lear to get together with members of the Committee to have someone carry this bill in the Senate.

Chairman Lowe then opened the hearing on House Bill #62 and introduced Representative Scully, sponsor of the bill, to speak to the Committee. Representative Scully informed the Committee that he had been asked by the Department of Labor & Industry to introduce this bill to permit the department to pay wage claims by State warrants and cancel warrants remaining unclaimed for more than one year. Representative Scully introduced Mr. Doyle B. Saxby from the Department of Administration as a proponent of this measure and Mr. Dick Kane from the Department of Labor and Industry. Mr. Kane's testimony is attached as Exhibit "F".

There were no opponents to Senate Bill #62 at the meeting.

After a short question and answer period on this bill, Senator Severson moved the bill be passed with Senator Dover seconding. The bill was passed unanimously by the Committee. Senator Smith moved that House Bill #62 be placed on the Consent Calendar and Senator Dover seconded and passed unanimously.

Chairman Lowe then asked the Committee to act on Senate Bill #190 and also asked Mr. Larry P. Nachtsheim from the Department of Administration if he had prepared the amendment requested by the Committee at the last hearing. Mr. Nachtsheim's proposed amendment is attached as Exhibit "G" along with the Fiscal Note requested by the Committee at the last meeting. Senator Lowe asked the Committee to vote on the amendments and the bill which passed unanimously. Since the title of the introduced bill had to be changed, Senator Lowe said that he would check with the Legislative Council to see if the Committee could change the title and if this was proper, would pass the bill out of Committee.

Chairman Lowe then asked for a vote on House Bill #42 which was heard earlier in the meeting. Senator Hafferman moved the bill, seconded by Senator Dover and was passed unanimously and unanimously moved to the Consent Calendar.

Chairman Lowe asked for a vote on Senate Bill #266. Senator Hafferman moved the bill, seconded by Senator Smith and was passed unanimously.

There being no further business, the meeting was adjourned at 2:10 p.m.



Senator William R. Lowe

ROLL CALL

LABOR & EMPLOYMENT RELATIONS COMMITTEE

46TH LEGISLATIVE SESSION - - 1979

Date Feb. 6, 1979

NAME	PRESENT	ABSENT	EXCUSED
HAROLD C. NELSON, VICE CHAIRMAN	✓		
GARY AKLESTAD	✓		
HAROLD L. DOVER	✓		
WILLIAM F. HAFFERMAN	✓		
JOHN (SANDY) MEHRENS	✓		
BOB PALMER		✓	
ELMER D. SEVERSON	✓		
RICHARD G. SMITH	✓		
BILL R. LOWE, CHAIRMAN	✓		

SENATE MEMBERS

CARROLL GRAHAM
CHAIRMAN

FRANK HAZELBAKER
VICE CHAIRMAN

CHET BLAYLOCK

PAT M. GOODOVER

DIANA S. DOWLING
EXECUTIVE DIRECTOR
CODE COMMISSIONER

ELFANOR ECK
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES



Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

HOUSE MEMBERS

JOHN B. DRISCOLL

OSCAR KVAALEN

J.D. LYNCH

ROBERT L. MARKS

H. DAVID COGLEY
DIRECTOR, LEGAL SERVICES

ROBERT PERSON
DIRECTOR, RESEARCH

LC 0560

1979 Legislature
Code Commissioner Bill - Summary

HOUSE Bill No. 42

AN ACT TO AMEND SECTION 39-3-407, MCA, TO CLARIFY WAGE CLAIM ENFORCEMENT FOR MINIMUM WAGE AND OVERTIME COMPENSATION.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 39-3-407. Added "pursued"; changed "parts 2 and 5" to "part 2"; and added "This part may also be enforced in accordance with part 5 of this chapter for the benefit of certain employees in the mineral and oil industry." The amendment is intended to clarify that only employees of the mineral and oil industry are to benefit from the additional wage claim procedures set forth in part 5, chapter 3, Title 39, as to enforcement of minimum wage and overtime compensation.

SENATE Robert Engelhardt COMMITTEE

BILL 10-8

VISITORS' REGISTER

DATE 2-6-71

[illegible]

NAME :

DATE: 11/179

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

STANDING COMMITTEE REPORT

.....February 6..... 19 79.....

MR.President:.....

We, your committee onLabor & Employment Relations.....

having had under considerationHouse..... Bill No. 42.....

Respectfully report as follows: That.....House..... Bill No. 42.....
unanimously passed and unanimously placed on the consent calendar.

BE CONCURRED IN
~~DO-PASS~~ *Pl.*

46th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 31	"An Act amending section 39-51-1301, MCA, to clarify the method of charging interest on past-due contributions."	1/4/79	Pavlovich	1/16/79	CONSENT CALENDAR	1/16/79
HB 33	"An act to require regualify-ing wages for retirees."	1/4/79	Kanduch	1/16/79	DO NOT PASS	1/30/79
HB 42	"An act to amend section 39-3-407, MCA, to clarify wage claim enforcement for minimum wage and overtime compensation."	1/4/79	Manuel	1/16/79	CONSENT CALENDAR	1/16/79
HB 53	"An act to amend section 39-51-1108, MCA, to change the method of determining the taxable wage base; providing an effective date and retro-active application."	1/9/79	Harper	1/27/79	Combined with HB 190	3/16/79 BILLS COORDIN- ATOR
HB 54	"An act to amend section 39-3-603, MCA, to define bond and to include certifi-cate of deposit in the definition."	1/4/79	Quilici	1/18/79	DO PASS	2/17/79
HB 62	"An act to amend section 39-3-213, MCA, to permit the payment of wage claims by state warrant and the cancellation of warrants re-maining unclaimed for more.."	1/4/79	Scully	1/16/79	CONSENT CALENDAR	1/16/79

JANUARY 16, 1979
PROCEEDINGS OF THE
LABOR AND EMPLOYMENT RELATIONS COMMITTEE

The meeting was called to order at 1:30 p.m. by Chairman Williams. The secretary called roll. Rep. Ellerd was absent. All other members were present.

HOUSE BILL 42: Rep. Rex Manuel, sponsor, introduced Jim Lear, Legislative Council, who explained the history and need for the bill (exhibit 1). There were no opponents.

HOUSE BILL 33: Rep. Kanduch, sponsor, introduced Mr. Fred Barrett, Dept. of Labor, Employment Security Division, who explained to the Committee what HB 33 would involve. Mr. Barrett stated this bill would make the rules for retired persons collecting unemployment benefits more consistent with national guidelines. Mr. Barrett offered an amendment to HB 33 (exhibit 2). There were no other proponents.

The following were opponents to HB 33:

James Murry, Executive Director, AFL-CIO, stated he appreciates the intent of the bill but thinks the legislation is too harsh and punitive to a group who most need the benefits. He said Montana already has a good and fair employment compensation act.

Mr. Lonny Mayer, Retail Clerks Union, opposed the bill saying that people who are forced to retire on small pensions or very little Social Security, and are in the job market, should be eligible to draw unemployment benefits.

Mr. Tom Ryan, Montana Senior Citizens Association, said he thought HB 33 would be very hard on the low-income retired person.

Representative Harper was excused.

Mr. Joe Crosswhite, Operating Engineers Union, said this bill would hurt those persons who need the benefits most, and may be especially hard on senior citizens and women who don't make much anyway.

Mr. Bill Lawson, Teamsters, said he considers HB 33 to be class legislation, picking on senior citizens who have worked hard in the past and should be appreciated now.

Mr. Pat McKittrick, J.C. Teamsters, stated he opposes the bill for its harshness extended by the amendment and for the same reasons as those already expressed.

The Committee asked questions of the witnesses.

HOUSE BILL 31: Rep. Pavlovich, sponsor, introduced Mr. Harold Karsier, Employment Security Division, who spoke for the bill and offered an amendment (exhibit 3). He stated the bill simply

clarifies the method of charging interest on past-due contributions.

There were no opponents to HB 31.

HOUSE BILL 62: Rep. John Scully, sponsor, said this is a house cleaning bill, that deals with the manner in which wage claims are paid. Rep. Scully introduced Mr. Dick Kane, Administrator of the Labor Standards Division, who spoke for the bill (exhibit 4).

Other proponents were: Doyle B. Saxby, Dept. of Administration, who said the bill would bring the State into compliance with actual practice. Josephie Ann Isaak, also spoke in support of the bill for State Auditor, E.V. "Sonny" Omholt.

There were no opponents.

The Committee went into executive session.

HOUSE BILL 68: Karen Hedblom, staff researcher, reported back to the Committee on HB 68 (exhibit 5). It was moved by Rep. Seifert, and seconded by Rep. Manning that HB 68 DO PASS. The motion carried unanimously. It was moved by Rep. Pavlovich, and seconded by Rep. Manning, that HB 68 be placed on the Consent Calendar. Motion Passed.

HB 31: A motion was made by Rep. Seifert, and seconded by Rep. Manning that HB 31 AS AMENDED DO PASS. Rep. Manning moved that HB 31 be placed on the Consent Calendar. The motion was seconded by Rep. Stobie and passed unanimously.

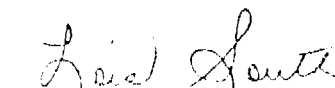
HOUSE BILL 62: A motion was made by Rep. Stobie and seconded by Rep. O'Connell that HB 62 DO PASS. Motion carried. Rep. Harrington moved that HB 62 be placed on the Consent Calendar. Motion Carried.

HOUSE BILL 42: Rep. Seifert made a motion, seconded by Rep. Manning that HB 42 DO PASS. Motion carried. Rep. Manning moved that HB 42 be placed on the Consent Calendar. Motion Carried.

Chairman Williams announced the bills to be heard on Thursday, January 18, 1979.

The meeting adjourned at 2:30 p.m.


J. Melvin Williams, Chairman


Lois South, Secretary

HOUSE BILL NO. 92

INTRODUCED BY ROBBINS

BY REQUEST OF THE DEPARTMENT
OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
LAWS RELATING TO THE ISSUANCE OF DUPLICATE BONDS, WARRANTS,
AND COUPONS; AMENDING SECTIONS 7-7-2104 AND 7-7-2106, MCA;
AND REPEALING SECTION 7-7-2105, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-7-2104, MCA, is amended to read:

"7-7-2104. Replacement of lost bond, warrant, or
coupon. (1) The board is authorized upon satisfactory proof
that any original bond, warrant, or coupon has been lost or
destroyed, to may issue to the owner or holder of such bond,
warrant, or coupon a duplicate thereof, which a duplicate
warrant, bond, or coupon whenever any warrant, bond, or
coupon drawn by it upon the treasury of the county is lost
or destroyed. The duplicate warrant, bond, or coupon must
be in the same form as the original and will take the place
in order of registration and payment of such and supersede
the original bond, warrant, or coupon--and--in--all--cases
supersede and take the place of such original. It must have
the word "duplicate" plainly printed across its face.

(2) ~~the chairman of the board at the time of~~
~~issuing any duplicate bond, warrant, or coupon, must write~~
~~across or upon the face thereof the word "duplicate" in red~~
~~ink.~~

~~(b) The word "duplicate" upon any bond, warrant, or~~
~~coupon imparts notice to all persons that the same is issued~~
~~subject to the provisions of 7-7-2104 through 7-7-2106. No~~
~~duplicate warrant, bond, or coupon may be issued under this~~
~~section unless the person entitled to receive the duplicate~~
~~deposits with the county treasurer a bond in double the~~
~~amount for which the duplicate warrant, bond, or coupon is~~
~~issued, conditioned to save RENDERS the county and its~~
~~officers harmless from all loss, costs, or damages by reason~~
~~of issuing the duplicate.~~

(3) No bond of indemnity is required:

(a) when a payee is the state of Montana or any
agency, instrumentality, or officer of the state;

(b) when the owner or custodian is the state or any
agency or officer thereof;

(c) when the owner or custodian is a bank, savings and
loan association, admitted insurer, or trust company whose
financial condition is regulated by the state;

(d) when it can be established that a crime has been
committed and that as a result of such crime a county
warrant, bond, or coupon has been stolen or destroyed; or

~~(e) when it can be established that a county warrant, bond, or coupon has been mailed to an incorrect payee.~~

~~(4) If the owner or custodian applies under the provisions of subsection (3)(d) or (3)(e), a stop-payment order shall be placed on the original warrant, bond, or coupon by the county treasurer.~~

~~(5) If the owner or custodian applies under the provisions of subsection (3)(c), (3)(d), or (3)(e), the application shall include an agreement to indemnify and hold the county or its officers and employees harmless from any loss resulting from the issuance of a duplicate warrant, bond, or coupon. Any loss incurred in connection with the issuance of a duplicate warrant shall be charged against the account from which the payment was derived."~~

Section 2. Section 7-7-2106, MCA, is amended to read:

"7-7-2106. Procedure if original bond, warrant, or coupon is presented. It is the duty of the county treasurer, upon the production to him of any original bond, warrant, or coupon by the lawful owner or holder thereof, to assign by endorsement and to deliver to him the surety bond mentioned in 7-7-2105 ~~7-7-2104~~. Such owner or holder may maintain an action in his own name upon such surety bond for the recovery of any money paid upon such duplicate, but the delivery of such surety bond does not relieve or exonerate the county from the payment of the amount specified therein

upon a demand and refusal of the sureties named in the indemnifying surety bond to pay the same."

Section 3. Repealer. Section 7-7-2105, MCA, is repealed.

-End-